

IN RE: PETITION FOR ADMINISTRATIVE VARIANCE  
ZONING VARIANCE  
S/S Franklinville Rd., 318 ft.  
(1/2) SW of c/l Reynolds Rd.  
11841 Franklinville Road  
11th Election District  
3rd Councilmanic District

\* BEFORE THE DEPUTY  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 93-74-A

Stanley R. Schall, Jr., et ux  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 26 ft., in lieu of the required 50 ft., for an (family room) addition, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support of the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Deputy Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7<sup>th</sup> day of October, 1992 that the Petition for a Zoning Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 26 ft., in lieu of the required 50 ft., for an (family room) addition, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TWK/mm

ORDER RECEIVED FOR FILING  
Date 10/19/92  
By *Tim Schall*

Baltimore County Government  
Zoning Administration  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

October 7, 1992

Mr. and Mrs. Stanley R. Schall, Jr.  
11841 Franklinville Road  
Upper Falls, Maryland 21156

RE: Petition for Residential Zoning Variance  
Case No. 93-74-A

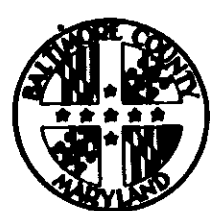
Dear Mr. and Mrs. Schall:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
*Timothy M. Kotroco*  
Timothy M. Kotroco  
Deputy Zoning Commissioner

TWK:mmm  
encl.



## Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11841 Franklinville Rd  
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.3 TO PERMIT A SIDEYARD SET BACK OF 26' IN LIEU OF REQUIRED 50' FOR FAMILY ROOM ADDITION.  
of the Zoning Regulations of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)  
*See attached sheet*

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessor  
(Type or Print Name)  
Signature  
Address  
City State Zipcode  
Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address Phone No.  
City State Zipcode

*Stanley R. Schall Jr.*  
*Stanley R. Schall Jr.*  
*Kathy L. Schall*  
*Kathy L. Schall*  
11841 Franklinville Rd 5929409  
Upper Falls Md 21156  
*Kathy L. Schall*  
11841 Franklinville Rd 5929409

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be set for a public hearing, to be held at \_\_\_\_\_, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

REVIEWED BY: JCM DATE: 9-2-92  
ESTIMATED POSTING DATE: \_\_\_\_\_  
Zoning Commissioner of Baltimore County  
ITEM #:

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does presently reside at 11841 Franklinville Rd  
Upper Falls, Md 21156

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate variance or practical difficulty)

- ① Family size has increased - rooms in house are small
- ② Need for increased closet space & storage
- ③ No room for family get together
- ④ Game room
- ⑤ Crafts - ceramics room

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

*Stanley R. Schall Jr.*  
*Stanley R. Schall Jr.*  
*Kathy L. Schall*  
*Kathy L. Schall*

STATE OF MARYLAND, COUNTY OF BALTIMORE, ss we

I HEREBY CERTIFY, this 18<sup>th</sup> day of August, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

*Stanley R. Schall Jr. & Kathy L. Schall*

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8-18-92

*John J. Jordan*  
My Commission Expires 11-1-95

### DESCRIPTION FOR 11841 FRANKLINVILLE RD., UPPER FALLS, MARYLAND

all that lot or lots of ground and premises situate in Baltimore County, State of Maryland, and described as follows:

BEGINNING for the same at a point situate on the South side of Franklinville Road, said point being 308.3 feet Southwesterly from the corner formed by the intersection of the South side of Franklinville Road and the West side of Reynolds Road, thence running and binding on the South side of Franklinville Road North 70 degrees 44 minutes East 154.15 feet to a point at the end of the third line of that parcel of land conveyed by Robert K. Smith and wife to Anthony Diakos and wife by deed recorded among the Land Records of Baltimore County in Liber R.S.G. No. 4258, folio 86, thence leaving Franklinville Road and binding reversely on the third line mentioned, South 20 degrees 40 minutes East 174.85 feet, thence South 70 degrees 44 minutes West 154.15 feet and thence North 20 degrees 40 minutes West 174.85 feet to the point of beginning. The improvements thereon being known as No. 11841 Franklinville Road.

BEING the same property which by deed dated June 17, 1970, and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5103, folio 231, was granted and conveyed by Robert K. Smith and wife unto the grantors herein named.

### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd Date of Posting: 9/13/92  
Posted for: Karen...  
Petitioner: Stanley R. Schall Jr. & Kathy L. Schall  
Location of property: 11841 Franklinville Rd, 1/2 E. of Reynolds Rd  
Location of Sign: 11841 Franklinville Rd  
Remarks: See above for property of Petitioner  
Posted by: Michael... Date of return: 9/18/92  
Number of Signs: 1

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

October 2, 1992

(410) 887-3353

Mr. & Mrs. Stanley R. Schall, Jr.  
11841 Franklinville Road  
Upper Falls, MD 21156

RE: Item No. 95, Case No. 93-74-A  
Petitioner: Stanley R. Schall, Jr. et ux  
Petition for Administrative Variance

Dear Mr. & Mrs. Schall:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this  
2nd day of September, 1992

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:  
*W. Carl Richards Jr.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Stanley R. Schall, Jr., et ux  
Petitioner's Attorney:

Printed on Recycled Paper

DPW/Developers Engineering Division (Public Services) 09/21/92  
Development Review Committee Response Form  
Authorized signature *David A. Ramsey* Date *9/21/92*

Project Name Waiver Number Zoning Issue Meeting Date  
Stonegate at Patapsco (Azreal Property) 6-1-92  
90476  
ZON DED TE (Waiting for developer to submit plans first)

COUNT 1  
Meadow Parks Limited Partnership 84 8/14/92 *Comment*  
DED DEPRM RP STP TE  
/ Eugene Osborne, Sr. 85 *NC*  
DED DEPRM RP STP TE  
/ Barry L. And Wilma J. Alderson 93 *NC*  
DED DEPRM RP STP TE  
/ Edwin J. and Delores R. Thomas 94 *NC*  
DED DEPRM RP STP TE  
/ Stanley R. And Kathy L. Schall 95 *NC*  
DED DEPRM RP STP TE  
/ Claude N. and Gee Gee Z. Pfeffer 96 *NC*

COUNT 6  
/ Terry A. and Joan K. Greenwood 58 9/8/92 *NC*  
DED DEPRM RP STP TE (omitted in error)

COUNT 1  
FINAL TOTALS  
COUNT 8  
\*\*\* END OF REPORT \*\*\*

SHA Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kasoff  
Administrator

Ms. Julie Winkowski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. # WORK #24 (JCM)  
ITEM NO 95

Dear Ms. Winkowski:

This office has reviewed the referenced item and we have no objection to approval as it  
does not access a State roadway and is not effected by any State Highway Administration  
projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
*David Ramsey* 9/24/92  
John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is \_\_\_\_\_  
Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
787 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: September 15, 1992

FROM: Ervin McDaniel, Chief  
Office of Planning and Zoning  
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee  
September 14, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Barry and Wilma Alderson, Item No. Work 22 ✓ #93  
Edwin and Delores Thomas, Item No. Work 23 ✓ #94  
Stanley and Kathy Schall, Item No. Work 24 ✓ #95  
Edward and Diana Hensler, Item No. 82 ✓

If there should be any further questions or if this office can provide additional  
information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: *Francis Morsey*

Division Chief: *Ervin McDaniel*

EMCD/FM::rdn

DPW/Traffic Engineering 09/21/92  
Development Review Committee Response Form  
Authorized signature *Walter L. D. Jr.* Date *9/21/92*

Project Name Waiver Number Zoning Issue Meeting Date  
Stonegate at Patapsco (Azreal Property) 6-1-92  
90476  
ZON DED TE (Waiting for developer to submit plans first)

COUNT 1  
/ Meadow Parks Limited Partnership 84 8/14/92  
DED DEPRM RP STP TE *NIC*  
/ Eugene Osborne, Sr. *NIC* 85  
DED DEPRM RP STP TE  
/ Barry L. And Wilma J. Alderson 93 *NIC*  
DED DEPRM RP STP TE  
/ Edwin J. and Delores R. Thomas 94 *NIC*  
DED DEPRM RP STP TE  
/ Stanley R. And Kathy L. Schall *NIC*  
DED DEPRM RP STP TE  
/ Claude N. and Gee Gee Z. Pfeffer 96 *W/C*

COUNT 6  
/ Terry A. and Joan K. Greenwood 58 *NIC* 9/8/92  
DED DEPRM RP STP TE (omitted in error)

COUNT 1  
FINAL TOTALS  
COUNT 8  
\*\*\* END OF REPORT \*\*\*

Department of Recreation and Parks  
Development Review Committee Response Form  
Authorized signature *Walter L. D. Jr.* Date *9/21/92*

Project Name Waiver Number Zoning Issue Meeting Date  
Stonegate at Patapsco (Azreal Property) 6-1-92  
90476  
ZON DED TE (Waiting for developer to submit plans first)

COUNT 1  
/ Meadow Parks Limited Partnership 84 8/14/92 *No Comment*  
DED DEPRM RP STP TE  
/ Eugene Osborne, Sr. 85 *No Comment*  
DED DEPRM RP STP TE  
/ Barry L. And Wilma J. Alderson 93 *No Comment*  
DED DEPRM RP STP TE  
/ Edwin J. and Delores R. Thomas 94 *No Comment*  
DED DEPRM RP STP TE  
/ Stanley R. And Kathy L. Schall 95 *No Comment*  
DED DEPRM RP STP TE  
/ Claude N. and Gee Gee Z. Pfeffer 96 *No Comment*

COUNT 6  
/ Terry A. and Joan K. Greenwood 58 9/8/92 *No Comment*  
DED DEPRM RP STP TE (omitted in error)

COUNT 1  
FINAL TOTALS  
COUNT 7  
\*\*\* END OF REPORT \*\*\*

93-74-A 10-85

Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21204-5500

OCTOBER 13, 1992 (410) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
County Office Building  
Towson, MD 21204

RE: Property Owner: STANLEY R. SCHALL, JR. AND KATHY L. SCHALL  
Location: #11841 FRANKLINVILLE ROAD  
Item No.: #WORK #24 (JCM) Zoning Agenda: SEPTEMBER 14, 1992

Gentlemen: #95

Pursuant to your request, the referenced property has been surveyed by  
this Bureau and the comments below are applicable and required to be  
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Jerry S. Fisher*  
Planning Group  
Special Inspection Division

JP/KEK

93-74-A

August 24, 1992

Baltimore County  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204

Re: Zoning Variance

To Whom It May Concern:

We, Bruce C. and Mary E. List, own the residence  
and property adjacent to the lot owned by Thomas G. and  
June E. Barton. We have reviewed the plans for the  
proposed addition the Stanley and Kathy Schall residence,  
11841 Franklinville Road and have no opposition to the  
requested variance of 26' setback, from the Schall re-  
sidence to Mr. Barton's property line.

*B. C. List*  
Bruce C. List

*Mary E. List*  
Mary E. List

93-74-A

August 24, 1992

Baltimore County  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204

Re: Zoning Variance

To Whom It May Concern:

We, Thomas G. and June E. Barton, own the property adjacent to Stanley and Kathy Schall at 11841 Franklinville Road. We have reviewed the plans for the proposed addition at the Schall residence and have no opposition to the requested variance of 26' setback from my property line.

Thomas G. Barton  
Thomas G. Barton

June E. Barton  
June E. Barton

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

SEPTEMBER 15, 1992

(410) 887-3353

Stanley and Kathy Schall  
11841 Franklinville Road  
Upper Falls, Maryland 21156

Re: CASE NUMBER: 93-74-A  
LOCATION: 5/9 Franklinville Road, 118' (1/2) SE of 4/1 Reynolds Road  
11841 Franklinville Road  
3rd Election District - 11th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 20, 1992. The closing date is October 5, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmidt  
Lawrence E. Schmidt

Zoning Commissioner, Baltimore County

Printed on Recycled Paper

**Plat to accompany Petition for Zoning Variance Special Hearing**

PROPERTY ADDRESS: 11841 FRANKLINVILLE RD. K.A. KINGS VILLE MD 21156

Subdivision name: \_\_\_\_\_ plat book# \_\_\_\_\_, lot# \_\_\_\_\_, section# \_\_\_\_\_

OWNER: SCHALL STANLEY & KATHY

**93-74-A**

FRANKLINVILLE RD. (50' RLY VARIANCE) K-3183 TO 3200 RD. 11841

ADJACENT PROPERTY: BARTON THOMAS G. & JUNE E. LOT P47

LOT P46 151.15

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BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
HARTISBURG, W.V. 25401

SCALE  
1" = 200' ±

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1966

LOCATION

FRANKLINVILLE

SHEET

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